

Application Serial No.: 10/714,208

Confirmation No.: 2548

Amendment Dated: April 10, 2007

Preliminary Amendment

REMARKS

Consideration of this Second Preliminary Amendment is respectfully requested.

In the Notice of Non-Compliant Amendment (37 C.F.R. §1.121) mailed April 4, 2007, the Legal Instruments Examiner has noted that the correct format for indicating deleted text of five or fewer consecutive characters must be indicated by double brackets, rather than single brackets as submitted by the Applicant in its Preliminary Amendment mailed April 10, 2007. Applicant has now amended claims 37 and 38 so that the deleted text, which are five or fewer consecutive characters, are now in the proper format with double brackets.

In the Advisory Action dated April 6, 2007, the Examiner indicated that Claims 30-33 are allowed. The Examiner also indicated that Claim 34 would be allowed if resubmitted in an amendment canceling the phrase "and wherein said color developer does not contribute oxygen to said reaction," and that the remaining claims 35-38 would be allowable. It is respectfully submitted that Claim 34, in its current amended form, should now be allowed.

The Examiner kindly notes that Claims 35-38 as set forth in the "Third Response to Final Office Action," filed February 7, 2007, have overcome the 35 U.S.C. §112, 2nd paragraph and 35 U.S.C. §112, 1st paragraph new matter based upon rejections of record. Applicant believes that Claims 35-38, as currently amended, are neither anticipated under 35 U.S.C. §102(e) or made obvious under 35 U.S.C. §103 by *Posa et al.*, U.S. Patent No. 6,767,628.

It is respectfully submitted that Claims 30-38 are now in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,

/Ernest B. Lipscomb, III/

Ernest B. Lipscomb, III
Attorney for Applicants
Registration Number 24,733

Customer No. 40842

Barnwell Whaley Patterson& Helms, LLC

P.O. Drawer H

Charleston, SC 29402-0197

Phone: (843) 577-7700

Fax: (843) 577-7708

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE ON APRIL 16, 2007.